

REMARKS

This is a full and timely response to the outstanding Office action mailed March 18, 2005. Upon entry of the amendments in this response claims 17-22, 24-27, and 29-33 are pending. More specifically, claims 19, 20, 22-25, 27, 29, and 30 are amended and claims 23 and 28 are canceled. These amendments are specifically described hereinafter. It is believed that the foregoing amendments add no new matter to the present application. Other statements not explicitly addressed herein are not admitted.

I. Present Status of Patent Application

Claims 22 and 27 are provisionally rejected under 35 U.S.C. §101 as allegedly claiming the same invention as that of claims 29 and 30 of copending Application No. 08/876,839, respectively. Claims 23-27 and 28-31 are rejected because they depend from the rejected claims 22 and 27. Claims 17, 32 and 33 are provisionally rejected under the judicially created doctrine of obviousness-type double patenting as allegedly being unpatentable over claims 28, 11 and 31 of copending Application No. 08/876,839, respectively. Claim 33 is rejected under 35 U.S.C. §102(b) as allegedly being anticipated by Brennan *et al* (U.S. Patent No. 5,329,578).

II. Examiner Interview

Applicant first wishes to express his sincere appreciation for the time that Examiner Tieu spent with Applicant's Agents and Attorneys Jeffrey Kuester and Benjamin Balser during an April 5, 2005 telephone discussion regarding the above-identified Office Action. Applicant believes that directing a received call sequentially to directory numbers on a list associated with a particular caller ID was discussed during the telephone discussion, and that the outcome of this discussion is addressed herein. During that conversation, Examiner Tieu seemed to indicate that it would be potentially beneficial for Applicant to file this amendment and response. Thus, Applicant respectfully requests that Examiner Tieu carefully consider this amendment and response.

III. Miscellaneous Issues

A. Claims 22-26

Claim 22 has been amended to overcome the statutory double patenting rejection.

Applicant respectfully submits that claim 22 is in condition for allowance.

Because independent claim 22 is allowable over the cited art of record, dependent claims 23-26 (which depend from independent claim 22) are allowable as a matter of law for at least the reason that dependent claims 23-26 contain all the steps/features of independent claim 22. *See Minnesota Mining and Manufacturing Co. v. Chemque, Inc.*, 303 F.3d 1294, 1299 (Fed. Cir. 2002) *Jeneric/Pentron, Inc. v. Dillon Co.*, 205 F.3d 1377, 54 U.S.P.Q.2d 1086 (Fed. Cir. 2000); *Wahpeton Canvas Co. v. Frontier Inc.*, 870 F.2d 1546, 10 U.S.P.Q.2d 1201 (Fed. Cir. 1989). Therefore, the rejection to claims 23-26 should be withdrawn and the claims allowed.

Additionally and notwithstanding the foregoing reasons for allowability of independent claim 22, dependent claims 23-26 recite further features and/or combinations of features, as are apparent by examination of the claims themselves, that are patently distinct from the cited art of record. Hence there are other reasons why dependent claims 23-26 are allowable.

B. Claims 27-31

Claim 27 has been amended to overcome the statutory double patenting rejection.

Applicant respectfully submits that claim 27 is in condition for allowance.

Because independent claim 27 is allowable over the cited art of record, dependent claims 28-31 (which depend from independent claim 27) are allowable as a matter of law for at least the reason that dependent claims 28-31 contain all the steps/features of independent claim 27. *See Minnesota Mining and Manufacturing Co. v. Chemque, Inc.*, 303 F.3d 1294, 1299 (Fed. Cir. 2002) *Jeneric/Pentron, Inc. v. Dillon Co.*, 205 F.3d 1377, 54 U.S.P.Q.2d 1086 (Fed. Cir. 2000); *Wahpeton Canvas Co. v. Frontier Inc.*, 870 F.2d 1546, 10 U.S.P.Q.2d 1201 (Fed. Cir. 1989). Therefore, the rejection to claims 28-31 should be withdrawn and the claims allowed.

Additionally and notwithstanding the foregoing reasons for allowability of independent claim 27, dependent claims 28-31 recite further features and/or combinations of features, as are apparent by examination of the claims themselves, that are patently distinct from the cited art of

record. Hence there are other reasons why dependent claims dependent claim 28-31 are allowable.

C. Claims 17, 32, and 33

A provisional terminal disclaimer is filed herewith in regards to claims 17, 32, and 33.

Applicant respectfully submits that claims 17, 32, and 33 are in condition for allowance.

IV. Rejections Under 35 U.S.C. §102(b)

A. Claim 33

The Office Action rejects claim 33 under 35 U.S.C. §102(b) as allegedly being anticipated by *Brennan* (U.S. Patent No. 5,329,578). For the reasons set forth below, Applicant respectfully traverses the rejection.

Independent claim 33 recites:

33. A computer-readable medium on which is stored a computer program for selecting a routing list and directing a call based on an identifying criteria, and a data file containing a plurality of routing lists for a called party, wherein each of said routing lists comprises a plurality of directory numbers where the subscriber can be reached, said directory numbers being in an order determined by the subscriber, said computer program comprising instructions which, when executed by a computer, perform the steps of:

maintaining a plurality of routing lists for a telephony subscriber, ***each of the routing lists being associated with at least one originating source and*** comprising an ordered list of directory numbers where the subscriber can be reached;
selecting a particular routing list from the plurality of routing lists based at least in part upon received identifying information; and
directing a received call sequentially to the directory numbers on the particular routing list.

For a proper rejection of a claim under 35 U.S.C. §102, the cited reference must disclose, teach, or suggest all elements/features/steps of the claim at issue. *See, e.g., E.I. du Pont de Nemours & Co. v. Phillips Petroleum Co.*, 849 F.2d 1430, 7 U.S.P.Q.2d 1129 (Fed. Cir. 1988).

Applicant respectfully submits that independent claim 33 as amended is allowable for at least the reason that *Brennan* does not disclose, teach, or suggest at least **each of the routing lists being associated with at least one originating source and directing a received call sequentially to the directory numbers on the particular routing list**. *Brennan* teaches establishing a Subscriber Schedule, which is comprised of different time slots that are associated with phone numbers where the subscriber could possibly be reached at various times of the day and week. Further, *Brennan* teaches directing incoming calls numbers associated with the time slots of the Subscriber Schedule based upon when the incoming call was received. However, *Brennan* fails to teach the step of so routing incoming calls based upon the identity of the calling party. Instead, the method taught in *Brennan*, at best, directs incoming calls to the same list of phone numbers, regardless of the identity of the caller.

CONCLUSION

In light of the foregoing amendments and for at least the reasons set forth above, Applicant respectfully submits that all objections and/or rejections have been traversed, rendered moot, and/or accommodated, and that the now pending claims 17-22, 24-27, and 29-33 are in condition for allowance. Favorable reconsideration and allowance of the present application and all pending claims are hereby courteously requested. If, in the opinion of the Examiner, a telephonic conference would expedite the examination of this matter, the Examiner is invited to call the undersigned agent at (770) 933-9500.

Respectfully submitted,



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